

April 15, 2008

TO: Teresa Parsons  
Director's Review Program Supervisor

FROM: Kristie Wilson  
Director's Review Investigator

RE: **David Mora v Department of Ecology (ECY)**  
**Allocation Review Request No. ALLO-07-043**

On March 20, 2008, a Director's Review meeting took place at the Department of Personnel (DOP), 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of David Mora's position. Present during the meeting were you, Terri Beck ECY HR Office, Linda Pilkey-Jarvis, Preparedness Section Manager, Debbie Brookman Washington Federation of State Employees (WFSE), David Mora, and Kristie Wilson DOP.

### **Investigator's Finding**

My review finds that Mr. Mora's position is properly allocated as an Environmental Specialist 3.

### **Background**

On April 16, 2007 Mr. Mora filed a Position Review Request form to ECY's Human Resource Office requesting that his position be reallocated to the class of Marine Transportation Safety Specialist 2. Brenda Reagan, ECY Human Resource Office, reviewed his request and issued her decision by letter dated May 10, 2007. In her letter Ms. Reagan outlined the reasons and basis for her denial. Ms. Reagan clarified that the information submitted by Mr. Mora belonged to a different position number (2365) and advised Mr. Mora that the correct position number is 3001.

Ms. Reagan asserts that Mr. Mora's position is not responsible for the previous duties in position number 2365 to the extent he describes. She states Mr. Mora does not have

responsibility for identifying and resolving threats to the safety of marine transportation planning; rather, he is required to be aware of issues and coordinate with others within the program. She also stated that the spill modeling and rule writing projects were on a short-term basis and not on-going. She describes Mr. Mora's position as one focusing on work from an environmental aspect. Ms. Reagan believes Mr. Mora's position fits within the definition and typical work performed of an Environmental Specialist 3 (ES 3).

On June 7, 2007 WFSE, on behalf of Mr. Mora, filed a request to the Department of Personnel for a Director's Review.

### **Mr. Mora's Perspective**

During the Director's review conference, Mr. Mora asserted that he was responsible for developing and modifying response plans. Mr. Mora provided an example of a contingency plan (Exhibit A). He indicates that he is the primary person to sign off on this plan and was heavily involved in the determination. Mr. Mora provided a Drill evaluation (Exhibit B). He indicates that he is responsible for approximately twenty drill plans a year. He explained that he updates these plans independently with no supervision. Mr. Mora also asserts that he performs the initial informal approval and that the final approval is done by the supervisor. Mr. Mora also explains that part of his role is to ensure the plan development is accurate. In addition, Mr. Mora organizes and drafts a response for failing to have a response plan when necessary.

### **ECY's Rationale**

ECY clarified that the contingency plans are written and submitted from an outside source. ECY contends Mr. Mora does not develop these plans. Instead, ECY states Mr. Mora reviews the plans using the appropriate checklist. Mr. Mora's duties include tracking, updating, and filing of the plans in the tracking system. He also provides assistance to the outside source in submitting their plans. ECY asserts that the plans are reviewed in a group setting with a supervisor and lead worker. Together they make the final decision. ECY states that Mr. Mora is responsible for only 20% of drill plans. The majority of these duties are to review and make recommendations. ECY asserts that Mr. Mora does not have authority to approve these plans. When asked why Mr. Mora signed the contingency plan letter, HR stated that he should not have signed this letter, only the supervisor has signature authority. Mr. Mora explained that even though he may not have approval authority, he does need to use independent judgment.

During the Director's review conference, Mr. Mora's supervisor, Ms. Pilkey-Jarvis, confirmed that Mr. Mora does not have authority to approve and sign these plans. Mr. Mora is only responsible for reviewing and making recommendations. ECY again stated that per agency policy Mr. Mora does not have signature authority and Mr. Mora's position description form does not indicate authority.

### **Reason and Basis for Finding**

The definition for Marine Transportation Safety Specialist 2 states:

These positions work under close to general direction of a higher-level specialist. Positions review and approve vessel contingency plans, oil spill prevention plans and other regulatory programs.

Mr. Mora's position is responsible for reviewing and making recommendations for these plans. Although Mr. Mora may be actively involved in the process, he is not responsible for the final approval of these plans. Other projects performed by Mr. Mora were only short-term projects and not part of his primary duties. Mr. Mora's position specifically focuses on field work, with responsibility to inspect oil transfers occurring at vessel and facility locations.

The definition for Environmental Specialist 3 states:

Serves as a staff environmental specialist performing one or more of the following functions independently with little direction and supervision: compliance and enforcement; development of draft legislation; develops, performs, coordinates, implements and evaluates scientific analyses, plans or services involving office or field projects; conducts surveys, analyses and records field conditions; project administration and environmental technical assistance for grants/contracts/loans; gathers and analyzes information to develop recommendations and make decisions; permit development, review and/or oversight. May lead assigned staff.

Mr. Mora works independently with little or no supervision. He makes recommendations for decisions, but does not make decisions without consulting with his supervisor or lead worker. Mr. Mora's position does not have signature authority for approving plans; final decisions that are more routine are made by the supervisor of Mr. Mora's position. Therefore, I feel Mr. Mora's position clearly falls within the ES 3 definition.

As previously noted by the Personnel Resources Board (PRB), the guidance provided in the Department of Personnel's Classification and Pay Administrative Guide establishes that the following standards are primary considerations in allocating positions:

- a) Category concept (if one exists).
- b) Definition or basic function of the class.
- c) Distinguishing characteristics of a class.
- d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

After reviewing the documentation and comments from all parties with regard to Mr. Mora's assigned duties and responsibilities, I conclude the Environmental Specialist 3 classification best describes his position.

**Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the Washington personnel resources board. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

c: David Mora  
Terri Beck, ECY HR Office  
Linda Pilkey-Jarvis, Preparedness Section Manager  
Debbie Brookman, WFSE  
Lisa Skriletz, DOP Classification and Pay Manager

Enclosure: Exhibit List